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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

IVONNE GUERRERO, INDIVIDUALLY
AND AS GUARDIAN AD LITEM FOR:
JESUS I. GUERRERO, A MINOR CHILD;
LUIS GUERRERO, A MINOR CHILD;
ICELLA M. GUERRERO, A MINOR
CHILD;

Plaintiffs,

v.

COUNTY OF SAN BENITO;
COUNTY OF SAN BENITO SHERIFF'S
DEPARTMENT;
MICHAEL RODRIGUES;
CURTIS J. HILL

Defendants.

No. C08-00307

STATEMENT FROM IVONNE
GUERRERO AS SUCCESSOR IN
INTEREST FOR SURVIVOR ACTION

I, Ivonne Guerrero, as Plaintiff and as Guardian Ad Litem for: Jesus I. Guerrero, a minor child, Luis Guerrero, a minor child and Icella M. Guerrero, a minor child, allege as follows:

1. I provide this declaration under Code of Civil Procedure section 377.32 because I wish to commence a survival action as decedent Israel Guerrero's successor in interest.
2. I seek to commence a survival action or proceeding or to continue a pending action or proceeding as the decedent Israel Guerrero's successor in interest.
3. The decedent's name is Israel Guerrero.

1 4. The date and place of the decedent's death is June 10, 2007 at Hazel Hawkins Memorial
2 Hospital in Hollister, California.

3 5. No proceeding is now pending in California for administration of the decedent's estate.

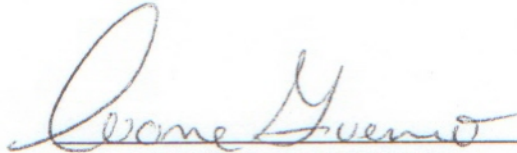
4 6. I am the wife of decedent and guardian ad litem for the three minor children of Israel
5 Guerrero, and am thus the decedent's successor in interest (as defined in Section 377.11 of the
6 California Code of Civil Procedure) and on Behalf of those minor children, succeed to the decedent's
7 interest in this action.

8 7. I am authorized to act on behalf of the decedent's successor in interest (as defined in the
9 Section 377.11 of the California Code of Civil Procedure) with respect to the decedent's interest in
10 the action.

11 8. A copy of the decedent's death certificate is attached to this declaration.

12 I affirm or declare under penalty of perjury under the laws of the State of California that the foregoing
13 is true and correct.

14 DATED: March 1, 2008

15 
16 IVONNE GUERRERO

PROOF OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to the within entitled action. I am employed in the County of San Mateo. On this date, I served the following document(s):

STATEMENT FROM IVONNE GUERRERO AS SUCCESSOR IN INTEREST FOR SURVIVOR ACTION

 X By placing for collection and mailing, following ordinary business practices at my place of business, a true and correct copy thereof, in a sealed envelope with postage thereon fully prepaid, and addressed as set forth below. I am familiar with the business practice for collection and processing of documents for mailing with the United States Postal Service, said practice being that in the ordinary course of business, documents are deposited with the United States Postal Service on the same day as they are placed for collection.

 By personal service on the parties to this action by causing a true and correct copy thereof to be fax delivered to the offices or addresses of the person(s) set forth below.

John Flegel
Jorgensen, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025

Attorney for Defendant
Michael Rodrigues

Michael Severian
Rankin, Landsness, Lahde, Serverian & Stock
96 N. Third Street, Suite 500
San Jose, CA 95112

Attorney for Defendants
County of San Benito, County of San Benito
Sheriff's Department and Curtis Hill

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 4, 2008 at Burlingame, California.

